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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 EDMOND PETRUS,

11 Plaintiff,

12 v.

13 NEW YORK LIFE INSURANCE
14 COMPANY, *et al.*,

15 Defendants.
16

Case No. 14-cv-2268-BAS-JMA

**ORDER GRANTING JOINT
MOTION TO DISMISS NEW
YORK LIFE INSURANCE
COMPANY FROM ACTION
WITH PREJUDICE**

[ECF No. 100]

17 Plaintiff Edmond Petrus and Defendant New York Life Insurance Company
18 (“NYLI”) have jointly moved to dismiss the action as to Defendant NYLI with
19 prejudice pursuant to Rule 41(a) with each party to bear its own attorney fees and
20 costs. (ECF No. 100.) Having considered the motion and good cause appearing, the
21 Court **GRANTS** the joint motion. (ECF No. 100.) Defendant NYLI is **HEREBY**
22 **DISMISSED WITH PREJUDICE**. Each side shall bear its own attorney fees and
23 costs. In light of this dismissal, the Court **TERMINATES AS MOOT** Defendant
24 NYLI’s motion for partial summary judgment. (ECF No. 78.)

25 **IT IS SO ORDERED.**

26 **DATED: March 27, 2018**

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28 **Hon. Cynthia Bashant**
United States District Judge